

571 114. (New). An isolated polynucleotide sequence which encodes for a protein having an amino acid sequence corresponding to SEQUENCE ID NO:25 and degenerate codon equivalents thereof.

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 74, 75, 78, 80, 83, 84, 86, 89, 91 and 93 have been amended. No new matter has been added as a result of these amendments.

New claims 96-114 have been added. No new matter has been added as a result of the addition of these claims.

Claim 83 has been amended to add the phrase "and degenerate codon equivalents thereof". Applicants have added this language for no other purpose except to make this claim consistent with several of the other pending independent claims that also contain this phrase.

Rejection of Claims 74-82 and 84-95 Under 35 U.S.C. Section 102(e) in view of Au-Young et al. (U.S. Patent 5,856,136)

The Examiner rejected claims 74-82 and 84-95 under 35 U.S.C. Section 102(e) in view of Au-Young et al. (U.S. Patent 5,856,136). Applicants respectfully traverse this rejection.

Claims 74, 75, 78, 80, 84, 86, 89, 91 and 93 have been amended to remove the reference to SEQ ID NOS:4-6.¹ Therefore, in view of the deletion of these sequences

¹ Claims 74, 75, 78 and 93 have also been amended to add the phrase "and degenerate codon equivalents thereof." Applicants have added this language for no other purpose except to make these claims consistent with several other independent claims that also contain this phrase. Claim 80 has also been amended to

from these claims, Applicants submit that these claims are allowable. Applicants would like to point out, however, that SEQ ID NOS:4-5 have been included in new claims 96-113. These claims use the transitional phrase “consisting of” or “consists of” with respect to these sequences. Therefore, because Au-Young et al. specifically does not disclose or suggest these specific sequences, Applicants submit that these claims are not anticipated under 35 U.S.C. Section 102(e) in view of Au-Young et al. and are also allowable.

With respect to claim 82, Au-Young does not disclose or suggest a purified polynucleotide sequence which codes for a protein having an amino acid sequence corresponding to SEQUENCE ID NO:25. With respect to claim 94, Au-Young simply does not disclose or suggest a purified polynucleotide sequence that encodes a polypeptide having the amino acid sequence of SEQUENCE ID NOS:25-29. With respect to claim 95, Au-Young does not disclose or suggest a purified polynucleotide sequence which codes for a protein having an amino acid sequence corresponding to SEQUENCE ID NO:25. Therefore, in view of these arguments, Applicants submit that claims 82, 94 and 95 are also allowable and that this rejection should be withdrawn.

Rejection of Claims 74-81 and 84-93 Under 35 U.S.C. Section 102(e) in view of Reiter et al. (U.S. 6,267,960)

The Examiner has rejected claims 74-81 and 84-93 under 35 U.S.C. Section 102(e) in view of Reiter et al. (U.S. 6,267,960). Applicants respectfully traverse this rejection.

Claims 74, 75, 78, 80, 84, 86, 89, 91 and 93 have been amended to remove the reference to SEQ ID NOS:3-5. Therefore, in view of the deletion of these sequences

recite that the composition of matter comprises a “purified” polynucleotide. This amendment has been added solely for clarity purposes. Claim 80 has also been amended to recite the phrase “and degenerate codon equivalents thereof”. Applicants have added this language for no other purpose except to make this claim consistent with several of the other pending independent claims that also contain this phrase. Claim 86 was amended to remove the term “equivalent”. This term was deleted in order to make the wording of this claim consistent with the other independent claims. Claim 86 was also amended to remove the phrase

from these claims, Applicants submit that these claims are allowable. Applicants would like to point out, however, that SEQ ID NOS:3-5 have been included in new claims 96-113. These claims use the transitional phrase "consisting of" or "consists of" with respect to these sequences. Therefore, because Reiter et al. specifically does not disclose or suggest these specific sequences, Applicants submit that these claims are not anticipated under 35 U.S.C. Section 102(e) in view of Reiter et al. and are also allowable.

Applicants submit that the claims are now in condition for allowance.




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ABBOTT LABORATORIES
Telephone: (847) 935-7550
Facsimile: (847) 938-2623

Wood, Phillips, Katz, Mortimer & Clark
500 West Madison Street
Suite 3800
Chicago, IL 60662-2511
Phone: (312) 876-2109
Fax: (312) 876-2020

Respectfully submitted,
P. A. Billing-Medel, et al.

Mimi C. Goller
Registration No. 39,046
Attorney for Applicants



Lisa V. Mueller
Registration No. 38,978
Attorney for Applicants

"consisting of" and to replace it with the word "comprising". This amendment was made to correct a typographical error.

Version with Markings to Show Changes Made

Please amend claims 74, 75, 78, 80, 83, 84, 86, 89, 91 and 93 as follows:

74. (Amended). A test kit useful for detecting polynucleotide in a test sample, comprising:

a container containing at least one polynucleotide selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, [and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

75. (Amended). A purified polynucleotide selected from the group consisting of:

SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, [and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

78. (Amended). A recombinant expression system comprising:

a nucleic acid sequence that includes an open reading frame operably linked to a control sequence compatible with a desired host selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, [and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

80. (Amended). A composition of matter comprising a purified polynucleotide selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, [and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

83. (Amended). A purified polynucleotide comprising DNA selected from the group consisting of: SEQUENCE ID NO: 11, [and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

84. (Amended). A test kit useful for detecting polynucleotide in a test sample, comprising:

a container containing at least one purified polynucleotide selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

86. (Amended). An isolated DNA molecule [consisting of] comprising SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, SEQUENCE ID NO: 12 and [equivalent] degenerate codon sequences thereof.

89. (Amended). A recombinant expression system comprising:
a purified nucleic acid sequence that includes an open reading frame operably linked to
a control sequence compatible with a desired host, wherein the purified nucleic acid is selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

91. (Amended). A recombinant expression system comprising:
an isolated DNA molecule that includes an open reading frame operably linked to a control sequence compatible with a desired host, wherein the isolated DNA molecule is selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11, SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.

93. (Amended). A composition of matter comprising an isolated DNA molecule selected from the group consisting of SEQUENCE ID NO: 1, SEQUENCE ID NO: 2, [SEQUENCE ID NO: 3, SEQUENCE ID NO: 4, SEQUENCE ID NO: 5, SEQUENCE ID NO: 6,] SEQUENCE ID NO: 7, SEQUENCE ID NO: 8, SEQUENCE ID NO: 9, SEQUENCE ID NO: 10, SEQUENCE ID NO: 11[, and] SEQUENCE ID NO: 12 and degenerate codon equivalents thereof.